

1 LARIVIERE, GRUBMAN & PAYNE, LLP
 2 Robert W. Payne, Esq. (Bar No. 073901)
 3 Alan E. Engle, Esq. (Bar No. 224779)
 4 Nicole A. Smith, Esq. (Bar No. 243823)
 5 Christopher J. Passarelli, Esq. (Bar No. 241174)
 Post Office Box 3140
 19 Upper Ragsdale Drive
 Monterey, CA 93942-3140
 Telephone: (831) 649-8800
 Facsimile: (831) 649-8835

6 Attorneys for Plaintiff

7 IN THE UNITED STATES DISTRICT COURT

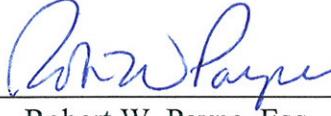
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 CLUCK-U, CORP.,) CASE NO. C07-04986 EMC
 10 a Maryland corporation,)
 11 Plaintiff,)
 12 v.)
 13 CLUCK UNIVERSITY CHICKEN OF)
 14 PALO ALTO, LP, d/b/a UNIVERSITY)
 15 CHICKEN SANTA CLARA, a California)
 16 limited partnership; CLUCK)
 17 UNIVERSITY CHICKEN OF)
 18 SAN JOSE, LP, a California limited)
 19 partnership; UC RESTAURANT)
 20 MANAGEMENT, INC., a California)
 21 corporation; UNIVERSITY)
 22 CHICKEN, INC., a California corporation;)
 23 UNIVERSITY CHICKEN FRESNO, LP,)
 24 a California limited partnership;)
 25 UNIVERSITY CHICKEN SAN JOSE,)
 26 LLC, a California limited liability company;)
 Michael C. Borneo, an individual; and)
 DOES 1-50, inclusive.)
 Defendants.)

22 The undersigned party in the above-captioned civil matter hereby declines to
 23 consent to the assignment of this case to a United States Magistrate Judge for trial and
 24 disposition and hereby requests the reassignment of this case to a United States District
 25 Judge.
 26

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2 Dated: December 6, 2007

LARIVIERE, GRUBMAN & PAYNE, LLP

3
4 By 

5 Robert W. Payne, Esq.
6 LaRiviere, Grubman & Payne
7 19 Upper Ragsdale Drive, Suite 200
8 Monterey, CA 93940
9 Telephone: (831) 649-8800
10 Facsimile: (831) 649-8835
11 Attorney for Plaintiff
12 Cluck-U, Corp.

PROOF OF SERVICE

I am over 18 years of age and not a party to the within action. My business address is 19 Upper Ragsdale Drive, Suite 200, Monterey, California, 93940. On December 6, 2007, I served the following document:

**DECLINATION TO PROCEED BEFORE A MAGISTRATE
JUDGE AND REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE**

by placing a true copy thereof enclosed in a sealed envelope and served in the manner described below to the interested parties herein and addressed to:

Stephen P. Ellingson
Jamie A. Radack
Hayes Davis Bonino Ellingson McLay & Scott, LLP
203 Redwood Shores Parkway, Suite 480
Redwood Shores, CA 94065

U.S. MAIL: I caused such envelope(s) to be deposited in the mail at my business address, with postage thereon fully prepaid, addressed to the addresses(s) designated. I am readily familiar with the business' practice of collecting and processing correspondence to be deposited with the United States Postal Service on that same day in the ordinary course of business.

HAND DELIVERY: I caused such envelope(s) to be delivered by hand to the addressee(s) designated.

BY FACSIMILE: By use of facsimile machine telephone number (***) ***-****, I served a copy of the within document on the below parties at the facsimile number listed. The transmission was reported as complete and without error.

FEDERAL: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on December 6, 2007 at Monterey, California.

Tabatha Morgan
Tabatha Morgan
Paralegal